

IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17734 of 2004

Between:

1. M.Ramesh, S/o Gopal Naidu, Yakasiri Grampanchayat, Chittmauru Mandal, Nellore District.

..... PETITIONER

AND

- 1 The District Collector, Nellore
- 2 P.V.N.Varaprasad, Panchayat Secretary,
Grade-II, Nelaballi Grampanchayat, D.V.Satram Mandal,

Nellore District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ in the nature of a Writ of Certiorari call for the records relating to the order dated 14-09-2004 in O.A.No.5179 of 2004 on the file of the A.P.Administrative Tribunal at Hyderabad and quash the same as whole arbitrary, illegal, without jurisdiction and void and pass such order and further orders as this Hon'ble Court may be deem fit and proper in the facts and circumstances of the case

Counsel for the Petitioner:MR.M.P.CHANDRAMOULI

Counsel for the Respondent No.: GP FOR SERVICES II

The Court at the stage of admission made the following :

ORAL ORDER:

(Per the Hon'ble Sri Justice Goda Raghuram)

The writ petition is directed against the order of the A.P.Administrative Tribunal dated 14-09-2004 in O.A.No.517 of 2004 dismissing the O.A. The O.A. was filed by the petitioner aggrieved by his transfer order dated 03-09-2004 from Yakasiri Grampanchayat of Chittamur Mandal to Nelaballi Gram Panchayat of D.V.Satram Mandal on the ground that the order is violative of the administrative instructions as the transfer has been made within four years of his tenure at the previous Gram Panchayat. The Tribunal while rejecting the O.A., rightly held that the instructions of the Government are not enforceable as they are not rules issued under the proviso to Article 309 of the Constitution of India.

Transfer is an incident of service and no case has been made out on the ground of *mala fides* or colourable exercise of power warranting interference with an order of transfer.

We find no reason to interfere with the order of the Tribunal. The writ petition is without merits and the same is dismissed at the stage of admission. No costs.

J.Chelameswar, J

Goda Raghuram, J

08th October, 2004.

mrk

To

1. The Registrar, A.P. Administrative Tribunal, Hyderabad.
2. The District Collector, Nellore.
3. The Panchayat Secretary, Grade-II, Nelaballi Grampanchayat, D.V.Satram
Mandal,

Nellore District.
4. Two CCs to the G.P. for Services-II, High Court Buildings, Hyderabad
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